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IN THE CIRCUIT COURT OF MONTGOMERY COUNTY, ALABAMA

PAUL DALE WOLFE 9:29
2005 NOV 8

Petitioner,

v.

STATE OF ALABAMA,

Respondent.

CC-03-498.60-TMH


ORDER

Wolfe has filed a petition for writ of habeas corpus asserting that his probation was revoked based on hearsay evidence. He has also filed numerous requests for a transcript of the revocation proceedings.

Initially, the Court notes that Wolfe failed to appeal the revocation of his probation. Even assuming this Court can review the habeas petition, it has no merit. The revocation was not based *solely* on hearsay testimony. The Court also heard testimony that Wolfe had failed to report to his probation officer and had failed to pay court ordered monies. This testimony was not hearsay.

Finally, since Wolfe did not appeal from his revocation, he has no right to a free transcript of that hearing. Ex parte Powell, 641 So.2d 772 (Ala. 1994.) The motions seeking a free transcript are DENIED as is the habeas corpus petition.

Done this 27th day of June, 2005.


TRUMAN M. HOBBS, JR.
CIRCUIT JUDGE

cc: Paul Wolfe
Brandon Hughes, DDA